

NOV 07 2018

JAMES N. HATTEN, Clerk
Deputy Clerk

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA

IN RE:

)Case No:

ATLANTIC RECORDS

Defendant.

) **1:18-CV-5124**

ERICA CHRISWELL

Plaintiff,

) Judge:

v.

ATLANTIC RECORDS

Defendant,

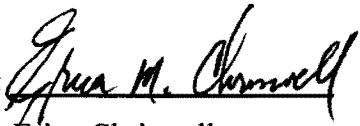
COMPLAINT

1. On or around January 1, 1997, Erica Chriswell was doing business as recording artist Erica Kane, Eryka Kane, and Ms. Kane. She wrote and performed on a song and video that was released on Atlantic Records on June 24, 1997. The song was entitled "Get It Wet", it was featured on the third studio album of the rap artist known as "Twista" and was Twista's first song to chart on the *Billboard* Hot 100, peaking at 96. She toured performing the song from 1997-1999.
2. Atlantic Records has never made any royalty payments to Erica Chriswell in violation of the copyright act. "Get It Wet" was marketed as a single and first went gold, enjoying over five-hundred thousand (500,000) records sold and to our knowledge the record has since gone platinum selling over one million copies (1,000,000 copies). The video was broadcasted on several different platforms receiving millions of views. The song and video are still being exploited today.
3. For the longest time Chriswell could not get any answers with regard to why she has never received royalty payments. After recently locating a employee of the record company she again addressed her concerns about non-payment at which time the individual stated that she didn't receive royalty payments because she was considered a work for hire employee.
4. Mrs. Chriswell is owed unpaid royalties. Erica Chriswell was not a "work for hire" employee. The Supreme Court ruled in *Community for Creative Non-Violence v. Reid*, 490 U.S. 730 1989, that in order for a person to fall under the work for hire doctrine, specific requirements must be met. Mrs. Chriswell

was not an employee of the company at any time. The work she created required significant artistic and writing skill on the part of Mrs. Chriswell. Mrs. Chriswell supplied her own tools to create her verse on the work. Mrs. Chriswell wrote the work at her own studio. Apart from completion deadlines, Atlantic Records did not control when or how long the artist worked. Mrs. Chriswell was never paid an hourly wage. Atlantic Records had no role in hiring and paying artist's assistants. Atlantic Records did not provide employee benefits to the artist (e.g., health insurance), or contribute to unemployment insurance or worker's compensation funds and Atlantic Records did not treat the artist as an employee for tax purposes.

5. It is egregious for a writer and performer to create a work and not be compensated for millions of copies sold, millions of views watched, millions of radio spins played. The decision of Atlantic Records and its business partners not to pay Mrs. Chriswell has affected her in many ways. Non-payment derailed her career as a musician. She suffered on the streets at some periods homeless while record company employees received more money from her work than she did. She suffered embarrassment in being recognized on the street as the performer of a hit song but unable to live the life that her talent provided to her.
6. Mrs. Chriswell is suing for all mechanical, statutory and other royalty she is due for her unique writing contribution on the work "Get it Wet", for her visual performance which was exploited on the "Get it Wet" video, for radio-play and any other performances to which payment should have been attached in the amount of ~~One Million Four Hundred Twenty Thousand~~ (1,440,000.00) and in addition, Ms. Chriswell asks this court to render any other remedy deemed fair.

Respectfully Submitted,

By: 
Erica Chriswell

Signed in Dekalb County, Georgia on October 23th 2018

Erica M. Chriswell
3834 Walnut Path
Atlanta, GA. 30038
6306674223